

REMARKS

Claims 15-20 remain pending in the application, claims 1-14 having been withdrawn from consideration and canceled.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Finality of the Office Action

The Examiner has indicated the Office Action as being Final. The Examiner indicates that the Applicants' submission of an IDS on January 10, 2008 prompted the new ground(s) of rejection presented in the Office Action, therefore making the action final.

MPEP 706.07(a) reads:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Where information is submitted in an information disclosure statement during the period set forth in 37 CFR 1.97(c) with a fee, the examiner may use the information submitted, e.g., a printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP § 609.04(b). Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art. Where information is submitted in a reply to a requirement under 37 CFR 1.105, the examiner may NOT make the next Office action relying on that art final unless all instances of the application of such art are necessitated by amendment.

The Applicants' IDS filed on January 10, 2008 contains a single reference, U.S. Patent No. 6,640,248 to Jorgensen ("Jorgensen"). However, the

Office Action does not rely on Jorgensen in the rejection. Use of the Applicants' IDS filed on January 10, 2008 as a basis to make the Office Action final is improper. The Applicants respectfully request the finality of the Office Action be withdrawn.

Claims 15 and 18 over DiFrancisco, Beser, and Elliott

In the Office Action, claims 15 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Global Broadcast Service (GBS) End-to-End Services: Protocols and Encapsulation by Michael DiFrancisco et al. ("DiFrancisco") in view of U.S. Patent No. 6,496,867 to Beser et al. ("Beser"), and in further view of U.S. Patent No. 7,023,818 to Elliott ("Elliott"). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine THREE references is an indication of the non-obviousness of claims 15 and 18.

Claims 15 and 18 are amended herein to recite passing network data and routing information from a red side router through an encryption device to provide bulk encrypted data.

The Office Action relies on Elliott to allegedly disclose routing of data by a red side router, and routing of encrypted data through a black side router at col. 7, lines 1-25. (see Office Action, page 4)

Elliott at col. 7, lines 1-25 teaches:

FIG. 2a shows a hardware architecture for a wireless communications node 2 (e.g., a router) for use in an ad-hoc wireless network. As illustrated, the node has two radio transceivers 3 and 4. The node also includes a cryptographic unit ("crypto") 5 that partitions the hardware into a red and black side. Each side preferably has a corresponding router CPU 6 and 7, respectively. The FIG. 2a hardware also has an Ethernet port 8 and a serial interface port 9, as well as memory such as RAM 10 and ROM 11.

As will be appreciated by those skilled in the art, the division of a router into a "red" and "black" side corresponds with established military communications security procedures. The "red" side contains unencrypted data, which in turns becomes encrypted as it passes through the crypto unit 5 on its way to the "black" side. This encrypted data can then be transmitted without any compromise to the contents of the message being transmitted, i.e., the message is encrypted so that it cannot be interpreted by by-standers who may overhear the transmission.

Upon receipt at the destination radio, the message is again passed through the crypto unit 5 from a "black" to a "red" side and thus is properly decrypted so that the message contents can be inspected and manipulated. If desired, the crypto unit 5 can also provide additional features such as known digital signatures upon messages so as to authenticate the messages as coming from authorized radios. In general, known commercial radios omit the crypto and the "red/black" separation and thus pass their messages "in the clear" when transmitted over the air.

Elliott teaches a "red" side that contains unencrypted data, which in turns becomes encrypted as it passes through the crypto unit 5 on its way to the "black" side. Elliott teaches passing unencrypted data from a red side to a black side. Elliott does not pass network data and routing information from a red side router through an encryption device to provide bulk encrypted data, as recited by claims 15 and 18.

DiFrancisco, Beser, and Elliott, either alone or in combination, fail to disclose passing network data and routing information from a red side router through an encryption device to provide bulk encrypted data, as recited by claims 15 and 18.

Accordingly, for at least all the above reasons, claims 15 and 18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 16 and 19 over DiFrancisco, Beser, Elliott, and KIV Family

In the Office Action, claims 16 and 19 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over DiFrancisco, Beser, Elliott, and in further view of KIV-7 Family article ("KIV Family). The Applicants respectfully traverse the rejection.

No hard copy of the KIV Family reference is supplied with the Office Action. Instead, a web site is indicated where to retrieve the reference. Applicants retrieved a copy of KIV Family from the web site given by the Examiner. KIV Family's self-identified publication date is listed as "Last updated on: 05/27/2008 14:10:46". This is clearly after the filing date of the application.

Thus, KIV Family does **not pre-date** the Applicants' priority date of August 20, 2003, KIV Family being improperly applied against Applicants' claims.

The Applicants respectfully suggest that the need to combine **FOUR** references is an indication of the non-obviousness of claims 16 and 19.

Claims 16 and 19 are dependent on claims 15 and 18, and are allowable for at least the same reasons as claims 15 and 18.

Claims 16 and 19 recite passing network data **and routing information** from a red side router through an encryption device to provide bulk encrypted data.

DiFrancisco, Beser, and Elliott, either alone or in combination, fail to disclose passing network data **and routing information** from a red side router through an encryption device to provide bulk encrypted data, as recited by claims 16 and 19.

Accordingly, for at least all the above reasons, claims 16 and 19 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 17 and 20 over DiFrancisco, Beser, Elliott, and ViaSat

In the Office Action, claims 17 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over DiFrancisco, Beser, and Elliott, in further view of **KIV-21 ViaSat IP Crypto** ("ViaSat"). The Applicants respectfully traverse the rejection.

No hard copy of the ViaSat reference is supplied with the Office Action. Instead the Applicants are given a web site where to retrieve the reference. Applicants attempted but were unable to retrieve a copy of ViaSat from the web site given by the Examiner. When accessing the Examiner's listed web site, we instead received the error "The page you are looking for cannot be found (Error 404)" in an attempt to retrieve the ViaSat reference. Thus, the alleged ViaSat reference is **not** publicly available. In any event, it is impossible for the Applicants to address the ViaSat reference as it is not publicly available from the source given by the Examiner.

The Applicants respectfully suggest that the need to combine FOUR references is an indication of the non-obviousness of claims 16 and 19.

Claims 17 and 20 are dependent on claims 15 and 18, and are allowable for at least the same reasons as claims 15 and 18.

Claims 17 and 20 recite passing network data and routing information from a red side router through an encryption device to provide bulk encrypted data.

DiFrancisco, Beser, and Elliott, either alone or in combination, fail to disclose passing network data and routing information for a plurality of sources from a red side router through an encryption device to provide bulk encrypted data, as recited by claims 17 and 20.

Accordingly, for at least all the above reasons, claims 17 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and/or rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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